

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | Eric Inselberg | Group Art Unit: | 2681 |
| Serial No.: | Continuation of: | Examiner: | Jean Alland Gelin |
| | USSN 09/854,267, | | |
| | Filed May 11, 2001 | | |
| For: | METHOD AND APPARATUS FOR INTERACTIVE AUDIENCE PARTICIPATION AT A LIVE SPECTATOR EVENT | | |
| Docket No.: | 0128-1-CON 2 | | |

Morristown, NJ 07960
September 12, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT UNDER 37 CFR 1.115

This application is a continuation of Parent application Ser. No. 09/854,267, filed May 11, 2001, which, in turn, is a continuation of Grand-Parent application Ser. No. 09/656,096, filed Sep. 6, 2000, now U. S. Patent 6,434,398.

Claims 1-12 and 15-17 were cancelled during prosecution of the Parent application to expedite the prosecution process. Claims corresponding generally to previous claims 1-12 and 15-17 are presented herewith to provide adequate coverage for applicant's contribution to the art.

Specifically, new claims 1 – 4 and 8 correspond generally to old claims 1 – 5, respectively; new claims 9 – 14 correspond generally to old claims 6 – 11; and new claim 24 corresponds generally to old claim 15. Old claim 12 has been rewritten for the sake of clarity and is herewith presented as new claim 15. In addition, new claims 5 – 7, 16 – 23, and 25 – 27 have been included to define preferred embodiments of applicant's invention.

Various claims in parent Application Ser. No. 09/854,267 were rejected over Van Kohorn (U.S. Patent 5,916,024) and Junkin (U.S. Patent 6,193,610). Applicant respectfully submits that these references do not disclose or suggest any system for interactive audience participation by persons physically attending a live spectator event or a hand-held device used in connection with such a system. Such an event venue provides a level of excitement induced by the collective participation of members of a crowd whose size is frequently measured in the thousands and, in some cases, may be in excess of a hundred thousand fans. The live experience has particular characteristics and a level of excitement that is difficult, if not impossible, to replicate when an individual person or a small number of persons watch a television broadcast, for example. Clearly, the outstanding advantages presented by collective participation of spectators at a live event are not recognized by persons practicing any system disclosed or suggested by the Van Kohorn or Junkin disclosures. For the above reasons, it is submitted that the subject matter delineated by claims 1 – 27 is patentable over any combination of Van Kohorn and Junkin.

Accordingly, allowance of present claims 1-27 is earnestly solicited.

Respectfully submitted,

Eric Inselberg



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